THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 13201 of 2007

DATED: 12.07.2007

Between:

Nadimpalli Madhavi

.. Petitioner.

And

The Secretary to the Government,
Government of Andhra Pradesh (Land Acquisition)
Secretariat, Hyderabad,
and others.

.. Respondents.

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.13201 of 2007

ORDER:

In this writ petition, the petitioner seeks a Writ of Mandamus to declare the action of the respondents in taking steps to dispossess her from her land covered by Sy.No.194/3 admeasuring Ac.2.50 cents situated at Isukapalli village, Kothapalli Mandal, East Godavari district, as illegal and arbitrary.

It is the case of the petitioner that the said piece of her land covered by Sy.No.194/3 admeasuring Ac.2.50 cents is notified for acquisition for the purpose of providing house sites to weaker sections, and a notification to that effect is issued vide Ref.No.G2/3152/2007, dated 30.05.2007. A copy of the notification filed by the petitioner shows that the third respondent-Revenue Divisional Officer, Kakinada is appointed to conduct enquiry under Section 5-A of the Land Acquisition Act, 1894 (for short 'the Act').

The main grievance of the petitioner is that though she has submitted her objections in the enquiry contemplated under Section 5-A of the Act even before final orders are passed pursuant to the enquiry under Section 5-A of the Act and declaration published as contemplated under Section 6 of the Act, the respondents are trying to dispossess her.

Heard the learned counsel for the petitioner and the learned

Government Pleader for Land Acquisition.

When the enquiry is pending, the question of dispossession of the petitioner from her land will not arise. Once the notification is issued and enquiry is being conducted under Section 5-A of the Act, it is obligatory on the part of the respondents to consider the objections of the petitioner, if any, in the enquiry under Section 5-A of the Act.

In that view of the matter, I dispose of the writ petition directing the respondents not to dispossess the petitioner till the enquiry initiated under Section 5-A of the Act pursuant to the notification issued vide Ref.No.G2/3152/2007, dated 30.05.2007, by the second respondent-District Collector, East Godavari, Kakinada, is completed and further steps are taken. However, it is made clear that this will not preclude the respondents to take further steps in accordance with law, subject to the outcome of the enquiry under Section 5-A of the Act.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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(R.SUBHASH REDDY,J)

Dt.12.07.2007
Note: Furnish CC by tomorrow
B/o
v v